

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF THE TRANSFER OF ) CASE NO.  
OWNERSHIP OF E. P. SANITATION CO., INC. ) 10410

O R D E R

On October 13, 1988, Bil Darby filed an application for approval of his purchase of the capital stock of E.P. Sanitation Company, a corporation operating a small sewage treatment facility in Berea, Kentucky.

After review of the evidence of record and being advised, the Commission finds that:

1. On October 16, 1986, E.P. Sanitation Company petitioned for relief from its creditors under Chapter 7 of the United States Bankruptcy Code. In Re E.P. Sanitation Co., No. 86-01044 (Bankr. E.D. Ky.).<sup>1</sup>

2. On November 11, 1987, Darrel W. Angle, the sole stockholder of E.P. Sanitation Company, agreed to sell to Darby his stock holdings in E.P. Sanitation Company. This sale was subsequently approved by the United States Bankruptcy Court on June 29, 1988.

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<sup>1</sup> This case was closed on October 20, 1988, after the debtor's estate had been fully administered and the bankruptcy trustee had been discharged. The corporation's principal asset, its sewage treatment facility, was abandoned by the bankruptcy trustee and reverted to the corporation.

3. Darby has received training in wastewater treatment plant operations. He has operated the utility's sewage treatment facility since February 1988 without incident.

4. Darby currently employs a wastewater treatment operator certified by the Kentucky Board of Certification of Wastewater System Operators to supervise the sewage treatment facility's operations.

5. Darby has the financial, technical, and managerial abilities to provide reasonable utility service to the customers of E.P. Sanitation Company.

IT IS THEREFORE ORDERED that the purchase of the capital stock of E. P. Sanitation Company by Bil Darby be and it hereby is approved.

Done at Frankfort, Kentucky, this 20th day of December, 1988.

PUBLIC SERVICE COMMISSION

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Chairman

*Robert M. Davis*  
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Vice Chairman

*Spencer N. Williams*  
\_\_\_\_\_  
Commissioner

ATTEST:

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Executive Director